IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 8141 of 2007(T)

PETITIONER:

L.SHOBHANA, D/O.LATE K.P.CHELLAPPAN,
AGED 38 YEARS,RESIDING AT LAKSHMI VILASAM,
KADATHOOR,K.S.PURAM P.O., KARUNAGAPPALLY.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:
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1. THE STATE OF KERALA REP.BY THE
PRINCIPAL SECRETARY TO THE GOVERNMENT,GENERAL
ADMINISTRATION,GOVERNMENT SECRETARIAT,TRIVANDRUM.

2. THE KERALA PUBLIC SERGICE COMMISSION,
REP.BY SECRETARY,PATTOM,THIRUVANANTHAPURAM.

3. THE REGIONAL OFFICER,K.P.S.C.,
REGIONAL OFFICE,KOLLAM.

4. THE KERALA STATE ELECTRICITY BORAD,
REP.BY ITS SECRETARY,VAIDHUTHIBHAVAN,PATOM,
THIRUVANANTHAPURAM.

BY ADVS. SRI.K.S.ANIL, SC, KSEB
SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8141/2007 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE HALL TICKET REGN. NO. S. 143200.

EXT.P2. COPY OF THE MAIN LIST PUBLISHED BY KPSC.

EXT.P3. COPY OF THE SUPPLEMENTARY LIST (EZHAVA) BY KPSC.

EXT.P4. COPY OF THE INFORMATION STATEMENT BY R3.

EXT.P5. COPY OF THE LETTER NO. A1/700/06 DT. 6/12/2006 BY SUPDT. SURVEY AND LAND RECORD, RE-SURVEY, KARUNAGAPPALLY.

EXT.P6. COPY OF THE LETTER SENT BY SHAJI T.S. TO THE CHAIRMAN & MANAGING DIRECTOR, KSRTC, FORT THIRUVANANTHAPURAM.

EXT.P7. COPY OF THE LETTER DT. 2/1/07 BY MR. PRAMOD T.S. TO THE EXE. DIRECTOR (A) & SECRETARY, OFFICE OF THE CHAIRMAN & MD, TRANSPORT BHAVAN, FORT.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.8141 of 2007-T

Dated this the 4th day of July, 2007.

J U D G M E N T

The petitioner is a candidate included in the rank list, published by the Public Service Commission, for appointment to the post of Assistant GradeII/Clerk/Jr.Clerk/L.D.Clerk in various Government owned Companies/Corporations/Boards, on 17-11-2005. The petitioner is included as Rank No.4, in the Ezhava supplementary list. The list was cancelled with effect from 28-10-2006, for the reason that the main list exhausted on the said date. The petitioner submits, large number of vacancies were reported and pending before the Public Service Commission. Therefore, the cancellation of the list is unsustainable.

2. Heard the learned Standing Counsel for the Public Service Commission also. It is true that the list was short lived and there may be several vacancies pending before the P.S.C, without advice, when the list was cancelled. But, once the main list exhausted, the same could not be operated by making advice from the supplementary list alone. Every 50% of the vacancies must go to the open merit candidates. In the absence of candidates in the open merit list, the supplementary list cannot be operated, in view of the decision of the Apex Court in N.S.S. Vs. District Officer, K.P.S.C (2003 (3) KLT 1126 (SC)). Therefore, the Public Service Commission

was incapable of operating the list and that is the reason for cancellation. I find nothing illegal about it and no relief could be granted to the petitioner. But, the learned counsel for the petitioner points out that the supplementary list could be operated for the limited purpose of advising candidates to the NJD vacancies. But, there is no such contention in the writ petition or materials produced to show that there was NJD vacancy of Ezhava candidate and the petitioner would have got it had the advice been made to it. In view of the above position, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS